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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,540	01/16/2004	Michael C. Owen	OWEN-001	7124

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EXAMINER

COLLINS, DOLORES R

ART UNIT PAPER NUMBER

3711

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,540

Applicant(s)

OWEN, MICHAEL C.

Examiner

Dolores R. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges response by applicant's representative received
6/21/06.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-12 & 21-26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Robins (334).

Robins discloses a Turn And Tilt Easel.

Regarding claims 1 & 21

Robins teaches a system that has a body encased by trim (see figure), a base station with support members (see figure 7 col. 1, lines 33-46) and a board panel (portion) with a locking portion or bolt (24) disposed on the sides or trim of the panel (see col. 1, lines 47-59).

Regarding Claim 2

Robins fails to teach that his locking mechanism is a magnet. Magnets are however known in the art. They are known to be used as a means for securing. It would have been obvious to use a magnet as a means for securing/locking, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of suitability for the intended use as a matter of obvious design.

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Regarding Claim 3

Robins teaches a locking mechanism in one corner configured to attach to another panel (see figure 1).

Regarding claims 4 – 5 & 23

Robins fails to teach fins configured to hold items on his board, but teaches a variety of surface embodiments some of which would use magnets that would serve the same function as fins to secure various types of materials (col. 3, lines 4-17). It would have obvious to use any means to hold items against the board (fins or magnets), since applicant has failed to show criticality in the use of fins as opposed to any other means serving the same function, such would be considered mere design choice and would present little or no difficulty to one of ordinary skill in the art.

Regarding Claim 6

Robins teaches a handle (30) on the exterior edge of his trim.

Regarding Claims 7 & 25

Robins teaches an area to storage purposes (tray) in the side of his base (see col. 2, lines 47-51).

Regarding Claims 8 & 24

Robins teaches a locking mechanism in one corner configured to attach to another panel (see figure 1). Although Robins' locking mechanism fails to explicitly teach a spring-loaded button, his device lends to the rotatable attachment of his portions (support member) (see col. 1, lines 47-57). Further applicant fails to demonstrate the criticality of a button verses, any other which serves the same purpose.

Regarding Claim 9

Robins teaches a portion (20) that is a mounting block (see col. 1, lines 57-59).

Regarding Claims 10, 12 & 22

Robins fails to explicitly teach the type of material for his base and trim. Robins however teaches that his easel may be assembled using glue, nails or screws (see col. 1, lines 40-46). Inherent in this teaching is the use of materials like metal wood and plastic.

Regarding Claim 11

Robins teaches the use of chalkboard (see abstract).

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Regarding Claim 26

Robins teaches dividers and separators that could extend (adjust) between the side portions (see col. 2, lines 52-54).

2. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robins (334) as applied to claim 21 and further in view of Takemura (858).

Regarding claim 27

Robins fails to explicitly teach a means for mounting his base station. Takemura teaches a means for retaining his display (see figures 9a-9c & col. 3, lines 48-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robins to include a means for attaching his base to made his easel more versatile.

3. Claims 4, 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robins (334) in view of Takemura (858).

Regarding claims 4, 13-14

Robins teaches a system that has a body encased by trim (see figure) and a base station with support members (see figure 7 col. 1, lines 33-46). Robins fails to teach fins configured to hold items on his board, but teaches a variety of surface embodiments some of which would use magnets that would serve the same function as fins to secure various types of materials (col. 3, lines 4-17).

Takemura discloses Presentation Display Devices With Holders. He teaches the use of corner holders or fins (87) coupled to the interior edge (see col. 4, lines 40-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robins to include fins coupled to an interior edge to provide additional holding power for the items on the board.

Regarding claim 15

Robins teaches a variety of surface embodiments and various types of materials including pictures and paper (col. 3, lines 4-17).

Regarding Claim 16

Robins teaches a locking mechanism (bolt) in one corner of his trim (see figure 1 & col. 1, lines 48-59).

Regarding Claim 17

Robins teaches a handle (30) on the exterior edge of his trim.

Regarding Claim 18

Robins teaches a portion (20) that is a mounting block (see col. 1, lines 57-59).

Regarding Claim 19

Robins teaches the use of chalkboard (see abstract).

Regarding Claim 20

Robins fails to explicitly teach the type of material for his base and trim. Robins however teaches that his easel may be assembled using glue, nails or screws (see col. 1, lines 40-46). Inherent in this teaching is the use of materials like metal wood and plastic.

Response to Arguments

Applicant's arguments filed 6/21/06 have been fully considered but they are not persuasive. Applicant argues that Robins lacks the teaching of a locking mechanism. Examiner disagrees since Robins teaches a locking mechanism (bolt) in one corner configured to attach to another panel (see figure 1). Applicant further argues that the arrangement of the support members in his application is not taught by the cited reference of art. Robbins teaches a base system with support members (see fig. 1 & col. 1, lines 33-46).

Examiner feels that the cited references of art alone, and/or in combination overcome the limitations of applicant's invention and applicant's arguments were not convincing. However, in order to advance prosecution, applicant is invited to schedule an interview to articulate what is being claimed as novel.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is **(571) 272-4421**. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Eugene Kim** can be reached on **(571) 272-4463**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).



***9/1/06



EUGENE KIM
SUPERVISORY PATENT EXAMINER